

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08 MD 1932**

**IN RE FAMILY DOLLAR FLSA
LITIGATION,**

THIS MATTER is before the court on “Plaintiffs’ Request to File Reply to Defendant’s Motion to Dismiss For Failure to Attend Depositions and Failure to Prosecute and Plaintiffs’ Motion for Sanctions Out of Time” (Doc. No. 286). Plaintiffs’ counsel contends that such opposition was not timely filed because the firm’s computer operating system went down on Thursday August 6, 2009 and is still not 100% operable. Plaintiffs’ “Reply” will be allowed. The Court notes that Plaintiffs’ counsel contends that he has received both Brown’s and Lewis’ signed consents to dismiss their cases. The Court directs Plaintiffs’ counsel to file a motion to dismiss with respect to Plaintiff Brown and Lewis no later than Monday August 17, 2009. Such motion shall be accompanied by Ms. Brown’s and Ms. Lewis’ signed consents. Failure to file the motions shall result in this Court granting Defendant’s Motion to Dismiss Plaintiffs and Defendant’s motion for costs.

SO ORDERED.

Signed: August 13, 2009

Graham C. Brucker

Graham C. Mullen
United States District Judge